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19 *Company et al.*

20 UNITED STATES DISTRICT COURT
21 CENTRAL DISTRICT OF CALIFORNIA
22

23 ARTHUR LEE ALFRED, II et al.,

24 Plaintiffs,

25 vs.

26 THE WALT DISNEY COMPANY et
27 al.,

28 Defendants.

Case No. 2:18-cv-08074-CBM-ASx

**ORDER GRANTING
STIPULATION REGARDING
[1] DISMISSAL OF DEFENDANTS;
[2] BIFURCATION OF
DISCOVERY; [3] MOTION
PRACTICE AND ADR [121]**

Judge: Hon. Consuelo B. Marshall

1 The Court, having reviewed the parties' stipulation filed concurrently with this
2 Proposed Order and for good cause shown, hereby orders as follows:

3 1. Plaintiffs shall have leave to file an amended Exhibit 1 to the First
4 Amended Complaint (Dkt. 112-1), consisting of the Copyright Certificate for
5 Plaintiffs' screenplay on or before January 29, 2021.

6 2. Following entry of this Order, Plaintiffs shall file a notice of dismissal
7 pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) dismissing without
8 prejudice every defendant named in the First Amended Complaint except for Walt
9 Disney Pictures, whether served or not served. Such dismissals shall not mean or
10 signify that the dismissed defendants were "prevailing parties" in the litigation for
11 purposes of costs and fees pursuant to the Copyright Act.

12 3. Walt Disney Pictures shall answer the First Amended Complaint by
13 January 29, 2021, and shall not file any further motions under Federal Rule of Civil
14 Procedure 12(b).

15 4. Discovery in this matter shall be bifurcated into two phases.

16 5. Discovery in the first phase shall be limited to the issue of substantial
17 similarity between the parties' works, and shall be limited to: (i) initial disclosures
18 under Federal Rule of Civil Procedure 26(a)(1), which shall be made by January 29,
19 2021; (ii) expert disclosures under Federal Rule of Civil Procedure 26(a)(2) relating
20 to the issue of substantial similarity (including a report by Walt Disney Pictures'
21 expert), which shall be made by March 30, 2021; (iii) a rebuttal report by Plaintiffs'
22 expert, if Plaintiffs elect to prepare one, which shall be prepared within thirty (30)
23 days after receipt of Walt Disney Pictures' expert report; and (iii) one deposition of
24 each side's respective expert witnesses on substantial similarity.

25 6. The parties intend to participate in a mediation following the
26 completion of the first phase of discovery. Within sixty (60) days after the
27 completion of mediation, if it is unsuccessful, Walt Disney Pictures may file a
28 motion for summary judgment limited to the issue of substantial similarity.

1 Plaintiffs shall be entitled to file a cross-motion for summary judgment, also solely
2 on the issue of substantial similarity. In no event shall either party object to the
3 other party seeking four (4) weeks to prepare and file their opposition to any such
4 motion for summary judgment.

5 7. Discovery in the second phase shall commence following the Court's
6 rulings on Walt Disney Pictures' motion for summary judgment, or immediately
7 after mediation if Walt Disney Pictures elects not to file a motion for summary
8 judgment. The second phase of discovery shall encompass all issues, without
9 limitation other than as provided herein or by law.

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11 IT IS SO ORDERED.

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13 DATED: JANUARY 19, 2020

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16 Hon. Consuelo B. Marshall
17 United States District Judge
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